

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
:
Zachary THOMAS, et al. :
:
Serial No.: 10/621,267 : Group Art Unit: 2162
:
Filed: July 16, 2003 : Examiner: Dennis Y. Myint

Title: SYSTEM AND METHOD FOR MANAGING JOB APPLICANT DATA

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

Sir:

This is a Response to the Office Action mailed February 15, 2006 in the above-referenced application. The deadline for a response is May 15, 2006. Accordingly, this response is timely filed.

Amendments to the claims begin on page 2 of this document.

Remarks begin on page 8 of this document.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the present application.

1. (original) A method of managing job applicant data, comprising:
 - receiving an applicant request for a specified job;
 - receiving applicant data;
 - storing the applicant data in a database;
 - linking one or more elements of the applicant data to an employer position; and
 - providing a report profile whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions.
2. (original) The method of claim 1 wherein the elements of the applicant data comprise data indicative of gender and ethnicity.
3. (original) The method of claim 1 wherein each employer position comprises a specified job or a job group that corresponds to one or more specified jobs.
4. (original) The method of claim 1 further comprising:
 - storing, in the database, new hire data; and
 - linking one or more elements of the new hire data to an employer position, wherein the report resulting from the report profile further relates one or more elements of the new hire data for a plurality of new hires to one or more of the employer positions.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

5. (original) The method of claim 4 wherein the elements of the new hire data comprise data indicative of gender and ethnicity.
6. (original) The method of claim 1 wherein an applicant request will be rejected unless at least one job is specified.
7. (original) The method of claim 1 further comprising the step of displaying a list of available specified jobs prior to the first receiving step.
8. (original) The method of claim 1 further comprising the step of providing a search engine whereby a user may search for available jobs prior to the first receiving step.
9. (original) The method of claim 1 further comprising the step of providing a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available.
10. (original) A recruitment data management system, comprising:
 - an employer computing device having a memory and a processor; and
 - an employer database accessible by the employer computing device,
 - whereby the memory stores computer program instructions that instruct the employer computing device to perform the steps of:
 - receiving an applicant request for a specified job;

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

receiving applicant data comprising gender and ethnicity data;
storing the applicant data in the employer database;
linking one or more elements of the applicant data to an employer position; and
providing a report profile whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions.

11. (original) The system of claim 10 wherein the instructions further instruct the employer computing device to perform the steps of:

storing, in the database, new hire data comprising gender and ethnicity information; and
linking one or more elements of the new hire data to an employer position,
wherein the report resulting from the report profile further relates one or more elements of the new hire data for a plurality of new hires to one or more of the employer positions.

12. (original) The method of claim 11 wherein the elements of the new hire data comprise data indicative of gender and ethnicity.

13. (original) The system of claim 10 wherein each employer position comprises a specified job or a job group corresponding to one or more specified jobs.

14. (original) The system of claim 10 wherein the elements of the applicant data comprise gender and ethnicity data.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

15. (original) The system of claim 10 wherein the instructions further instruct the employer computing device to reject an applicant request unless at least one job is specified.
16. (original) The system of claim 10 wherein the instructions further instruct the employer computing device to display a list of available specified jobs prior to receiving the applicant data.
17. (original) The system of claim 10 wherein the instructions further instruct a user computing device to display a list of available specified jobs prior to receiving the applicant data.
18. (original) The method of claim 10 wherein the instructions further instruct the employer computing device to provide a search engine whereby a user may search for available jobs prior to submitting the applicant data.
19. (original) The method of claim 10 wherein the instructions further instruct a user computing device to provide a search engine whereby a user may search for available jobs prior to submitting the applicant data.
20. (original) The method of claim 10 wherein the instructions further instruct the employer computing device to provide a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

21. (original) A recruitment data management system, comprising:

- means for receiving an applicant request for a specified job and prohibiting receipt of a request unless a job is specified;
- means for receiving and storing applicant data that includes gender and ethnicity information; and
- means for providing a report that relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions.

22. (original) A method of managing job applicant data, comprising:

- receiving an applicant request for a specified job and prohibiting receipt of a request unless a job is specified;
- receiving applicant data including gender and ethnicity information;
- storing the applicant data in a database;
- linking one or more elements of the applicant data to the specified job or a job group; and
- providing a report profile whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants to one or more specified jobs or job groups.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

23. (original) The method of claim 19 further comprising:

storing, in the database, new hire data comprising gender and ethnicity information; and

linking one or more elements of the new hire data to one of the specified jobs or job groups,

wherein the report resulting from the report profile further relates one or more elements of the new hire data for a plurality of new hires to one or more of the specified jobs or job groups.

24. (new) A method of managing job applicant data comprising:

receiving, from a plurality of applicants, an applicant request, wherein each applicant request includes a specified job and mandatory profile information;

storing the mandatory profile information in a database; and

receiving an employer request for a report that includes selected portions of the mandatory profile information for the plurality of applicants.

25. (new) The method of claim 24, wherein the mandatory profile information includes gender or ethnicity information, and the report includes a profile of the gender or ethnicity of all applicants for the specified job.

26. (new) The method of claim 24, wherein the report includes a profile of selected categories of the mandatory profile information related to a group tied to one or more job positions.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

REMARKS

1. Status and Summary

The Examiner has rejected claims 1, 3, 10, and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0125970 to *Mittal et al.*

The Examiner has rejected claims 2, 4, 5, 11, 12, and 14 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of U.S. Patent Application Number 2002/0128894 to *Farenden*.

The Examiner has rejected claims 6-8, 15-19, and 21-23 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of *Farenden* and further in view of U.S. Patent Application Publication Number 2002/0156674 to *Okamoto et al.*

The Examiner has rejected claims 9 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of U.S. Patent Number 5,978,768 to *McGovern et al.*

Claims 1-23 remain pending in this application. Claims 24, 25 and 26 are new.

2. Rejections Under 35 U.S.C. §102

Claims 1 and 10

Claims 1 and 10 stand rejected by the Examiner under 35 U.S.C. §102(e) as allegedly being anticipated by *Mittal* (2003/0125970). The Examiner states that *Mittal*, at Paragraph 0048, discloses a method of receiving an applicant request for a specified job. Applicants respectfully disagree. *Mittal* discloses a system whereby an applicant submits general information such as a resume or a desired job profile. The “posting of a desired profile” (¶0048) is actually a trigger that notifies a recruiter of the applicant’s presence on system, and not a method of receiving an applicant’s request for a specified job. Once the recruiter is aware of the applicant’s presence, he uses the applicant’s profile to “generate a preliminary list of matching jobs.” (¶0048). *Mittal* does

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

not describe a method for applicants to request specified jobs. Rather, *Mittal* describes a method for recruiters to generate a list of possible jobs using the applicant's profile information.

In addition, the Examiner states that *Mittal*, at Paragraph 0058, discloses a method of providing a report profile whereby a resulting report relates to one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions. Applicants again respectfully disagree. *Mittal* discloses a method of mapping a job seeker's information on a jobs database to generate a "list of matching jobs" (¶0058), but does not discuss generating a report profile of applicant information. The method claimed by applicants allows employers to generate reports which show a particular job's overall applicant data, such as gender, ethnicity and/or other attributes of the applicants for the applicant group. This may help the employer to ensure compliance with third party and/or government standards. Claim 24 has been added to further emphasize this difference. *Mittal* does not teach the generation of report profiles, rather it merely discloses the method of using applicant information to generate a list of matching jobs.

For at least these reasons, the teachings of *Mittal* are not relevant to claims 1 or 10, and applicants respectfully request reconsideration of these rejections.

As claims 2-9 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2-9 are likewise allowable over the prior art.

As claims 11-20 and 23 depend from and incorporate all of the limitations of allowable claim 10, claims 11-20 and 23 are likewise allowable over the prior art.

3. Rejections Under §103(a)

Claims 6 and 15

Claims 6 and 15 include the element of rejecting an applicant request unless at least one job is specified. The Examiner asserts that this element is disclosed in *Okamoto et al.* (2002/0156674) and that it would be obvious to combine *Mittal*, *Okamoto* and *Farenden* (2002/0128894).

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

Applicants respectfully disagree. Although *Okamoto* teaches a recruitment system where an applicant initiates the application process by selecting a job and clicking a transmission object, it is not disclosed or inherent in *Okamoto* that the applicant's request will be rejected by the system if he does not specify at least one job, as is asserted by the Examiner. An applicant selects a job to initiate the application process, but *Okamoto* does not disclose prohibiting receipt of a job request if this selection does not occur.

Rejecting an applicant request unless at least one job is specified ensures the accuracy of the report profile that may be generated by the employer. This prohibition guarantees that the applicant data used to generate a report is tied to one or more job positions. *Okamoto*, *Mittal*, and *Farenden* do not, alone or in combination, teach or suggest this result.

Claims 21 and 22

The Examiner has rejected claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of *Farenden* and further in view of *Okamoto*. The Examiner asserts that *Mittal* teaches a recruitment data management system comprising the means for receiving an applicant request for a specified job, while *Okamoto* teaches prohibiting receipt of a request unless a job is specified. Moreover, the Examiner asserts that *Farenden* teaches receiving and storing applicant data that includes gender and ethnicity information, and *Mittal* teaches providing reports on applicant data.

Applicants respectfully disagree. To establish a *prima facie* case of obviousness, the prior art must teach or suggest all of the limitations of the claim. See MPEP § 2142. *Mittal*, *Farenden* and *Okamoto* do not, alone or in combination, teach or suggest all of the limitations of claims 21 or 22.

As noted above in the remarks relating to claims 1 and 10, *Mittal* does not describe any system that receives an applicant request for a specified job. Nor does *Mittal* teach any system of providing reports on applicant data.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

Although *Okamoto* teaches a recruitment system where an applicant initiates the application process by selecting a job and clicking a transmission object, it is not disclosed or inherent in *Okamoto* that the applicant's request will be rejected by the system if he does not specify at least one job, as is asserted by the Examiner. An applicant selects a job to initiate the application process, but *Okamoto* does not disclose prohibiting receipt of a job request if this selection does not occur.

In addition, *Farenden* fails to teach receiving and storing applicant information which includes gender and ethnicity data. *Farenden* discloses a recruitment system that stores and displays to applicants the gender and ethnicity of the recruiters, but it does not collect such information from applicants (¶0092-0093). The Examiner asserts that it is therefore inherent in *Farenden* invention that gender and ethnicity are included in the applicant data. In addition, the Examiner asserts that it would have been obvious to combine the teachings of *Farenden* and *Mittal* since employers customarily collect gender and ethnicity information.

Applicants respectfully disagree. Even if collecting gender and ethnicity information from applicants was obvious in light *Farenden*, which applicants dispute, neither *Farenden* nor *Mittal* disclose the use of such information for a report that includes such data for a plurality of applicants for a particular job. As described above, *Mittal* does not disclose a method of generating report profiles of applicant information. Therefore, collecting and storing applicants' gender and ethnicity information in order to generate reports is not disclosed by *Mittal*, *Farenden* or a combination of the two.

For at least these reasons, the teachings of *Mittal*, *Farenden* and *Okamoto* are not relevant to claims 21 or 22, and applicants respectfully request reconsideration of these rejections.

PATENT APPLICATION
Application No. 10/621,267
Paper Dated: May 15, 2006
Attorney Docket No. 111956.00301

CONCLUSION

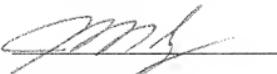
All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections, and that the application be allowed and passed to issue.

In order to expedite prosecution of this application, if the Examiner does not consider all of the presently presented claims to be allowable, the Applicants hereby request the opportunity for an interview with the Examiner. I invite the Examiner to telephone or e-mail me directly to schedule the interview if necessary.

A check for the payment of additional claim fees is attached. The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,

PEPPER HAMILTON LLP



James M. Singer
Registration No. 45,111

Pepper Hamilton LLP
One Mellon Bank Center
50th Floor
500 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 454-5000
Facsimile: (412) 281-0717
Date: May 15, 2006